



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Project Number: 3007548
Applicant: Jim Cade, Project Architect,
Tiscareno Associates
Eric Midby, Owner Representative,
Lexas Companies LLC
Address of Proposal: 1200 Stewart Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, 35-story towers above a 5-story podium, containing 340 residential units, 229,781 square feet hotel, 79,934 square foot indoor participant sports, 12,903 square feet child care center, 28,738 square feet private club, 26,738 retail, and 5,104 square feet of restaurant use. Parking for 940 vehicles will be provided below grade.¹

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code (SMC)

Departures Requested:

1. *Overhead Weather Protection and Lighting SMC 23.49.018.A,*
2. *Façade Setback Limits SMC 23.49.056.B.2.d,*
3. *Façade Modulation (Upper Level Standards) SMC 23.49.058.B.3,*
4. *Curb Cuts for Nonresidential Uses SMC 23.54.030.F.2.a.3, and*
5. *Loading Berth Requirements and Space Standards SMC 23.54.035.C.2.b*

SEPA-Threshold Determination (Chapter 25.05 SMC).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS²
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

SEPA determination of significance, notice of adoption of existing environmental documents and availability of addendum published on June 28, 2010.

¹ Project was originally described at intake as a Land Use application to allow two, 35-story towers above a 5-story podium, containing 388 residential units, with 268,400 square foot hotel use, 10,700 square foot indoor participant sports, and 21,600 square feet of retail/restaurant space at grade. Parking for 915 vehicles will be provided below grade.

² Final Environmental Impact Statement ("FEIS") for Downtown Height and Density Changes issued by City of Seattle Department of Planning and Development in January 2005. An addendum to the FEIS was prepared to add specific information on the impacts from the proposal. The addendum does not substantially change analysis of the significant impacts and alternatives discussed in the FEIS.

SITE BACKGROUND INFORMATION:

Site Description

The development site combines seven parcels of land to establish a total land area of approximately 59,700 square feet, near the northeast edge of Downtown Seattle. The site is zoned Downtown Mixed Commercial with a height limited 240/2490 – 400 feet (DMC 240/290-400) and occupies an entire city block; with street frontage on Minor Avenue to the west, Denny Way to the north, Yale Avenue to the east, and Stewart Street to the south. The block is irregular in shape due to the existing shift in Seattle's street grid system. The subject site is also located within the Denny Triangle Urban Center Village, and the Downtown Design Guideline area. The site is not located in a designated Environmentally Critical Area (ECA).



The site is currently developed with three commercial buildings, surrounded by hard surface parking lot, and vacant land at the corner of Denny Way and Yale Avenue. The combined development site is essentially a flat lot with a slight downward slope to the west. The abutting streets are fully developed rights-of-way with asphalt roadway, curbs, sidewalks and gutters. Denny Way (principal arterial) and Stewart Street (principal transit street) convey heavy traffic volumes past the site. An improved alley, running perpendicular to Stewart, bisects the development site. The applicants are seeking to vacate the alley to unify the development site and have received conditional approval by the City Council to vacate the alley. *See Clerk File Number 309396.*

Area Development

The site is located just south of the less intensive Seattle Mixed zone across Denny Way and west of Interstate Five (I-5) at the northeastern edge of Downtown. The site is within the Denny Triangle Urban Center Village (UCV) in the Denny Triangle neighborhood of Downtown. Some surrounding buildings of note include: REI's signature building within three blocks of the subject site, a one-story Greyhound bus garage built in 1940 immediately to the north across Denny, and across Stewart to the south are the two metal-cladded Metropolitan Park commercial buildings. The area is in transition as more lands are being considered for development, or are under construction. Surface parking lots and modest sized buildings are currently typical in this area.

Zoning in the area includes Seattle Mixed with a height limit of 125 feet (SM 125) to the north, Multifamily Midrise zone with a height limit of 60 feet (MR) east of I-5, and Downtown Mixed Commercial (DMC) zone with varying heights. This area contains a mix of commercial uses that include surface parking lots, office, retail, and lodging uses. Of the residential uses in the area, apartments/condominiums dominate the uses within the upper levels of the existing structures.

PROJECT DESCRIPTION

The applicant, Lexas Companies LLC, proposes to construct two 35-story towers above a 5-story base containing both residential and commercial uses. The proposed uses include 26,738 square feet retail, 5,104 square feet restaurant, 79,934 physical fitness center, 12,903 square feet childcare center (120 child capacity), 28,738 square feet social club, 229,781 square feet hotel, and approximately 340 residential units. Parking for 940 vehicles will be provided below grade. The proposal requires an alley vacation to integrate the entire block into one development site and demolition of three existing buildings, to make way for the redevelopment of the subject lot. The proposal will take advantage of the site's unique geometry and views to the north and west. The two towers will extend above its five story base to take full advantage of its location, by orienting the towers to minimize its profile upon neighboring properties while providing territorial views on the upper levels.

The building will establish a strong street presence scaled to neighboring properties, using modulation and spatial separation to visually reduce the appearance of the building's mass upon adjacent properties. The design proposes façade fenestration and metal cladding arrayed both vertically and horizontally to help scale down the building. Each street level frontage is uniquely designed to further enhance the pedestrian experience within the right-of-way. Street level storefront windows and entry doors are proposed along each street front. An internal arrival area for both vehicles and pedestrians is a prominent design feature at street level, with direct access from Minor Avenue and exiting onto Stewart Street. The owner is proposing a higher integration of public and private spaces by expanding landscaped areas into the right-of-way, especially at each end of the Denny Avenue block front. The applicant sought and received the recommendation of SDOT and the Seattle Design Commission for alley vacation approval. The Seattle City Council voted to grant conditional approval of the alley vacation on July 19, 2010.

The design proposes substantial landscaping around the site's perimeter to create a more calm pedestrian experience within the right-of-way. Vehicle access will be taken off Minor to the underground parking level and loading docks. The area around the parking garage will feature perimeter landscaping to enhance the development site, and create more visual interest at street level. Special emphasis will be directed towards providing an attractive and inviting pedestrian oriented experience within all rights-of-way.

Public Comment:

Date of Notice of Application:	July 2, 2009
Date End of Comment Period:	July 29, 2009 ³
Number of Letters Received:	6

A number of letters and e-mails were received, up to the time of final analysis, which informed DPD's decision. A number of phone calls were placed to the assigned planner, who encouraged the callers to submit their comments in writing. The comments regarding this proposal focused on the following issues:

³ The public comment period for this project originally ended on July 15, 2009, but was extended an additional two weeks per public request.

- Concerns regarding increased traffic volumes and associated on-street congestion due to number of proposed parking spaces;
- Concerns of height bulk and scale impacts on neighboring properties;
- Concerns pertaining to pedestrian loitering, smoking, offensive language, and questionable activities that create an atmosphere of fear on surrounding streets;
- Concerns related to zone height transitions;
- Concerns pertaining adverse impacts on the street level pedestrian experience with buildings not providing adequate upper level setbacks;
- Concerns about overall size of proposal with huge curb cuts on Minor;
- Concerns about height of podium level not being in keeping with the human scale; and
- Concerns about how the proposed building's visual impact will affect views of interest from a person's eye view level.

Other agency responses included comments from Metro Transit that an existing bus shelter along Stewart Street needed to be retained.

No mailed comments were received during the early design guidance phase.

ANALYSIS - DESIGN REVIEW

(For complete copy of the Design Review documents refer to the MUP file or DR Web page; http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp)

Early Design Guidance:

A total of five Early Design Guidance (EDG) meetings were held.⁴ After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comments the Design Review Board members provided the following siting and design guidance, identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Downtown Development*" District of highest priority to this project.

A-1 Respond to the physical environment

A-2 Enhance the Skyline

B-1 Respond to the Neighborhood Context

B-2 Create a Transition in Bulk and Scale

B-3 Reinforce the Positive Urban Form and Architectural Attributes of the Immediate Area

B-4 Design a Well-Proportioned & Unified Building

C-1 Promote Pedestrian Interaction

C-2 Design facades of many Scales

C-3 Provide active, Not Blank, Facades

C-4 Reinforce Building Entries

C-5 Encourage Overhead Weather protection

⁴ The first EDG Meeting was held on September 25, 2007; the second meeting, December 4, 2007; the third meeting, May 13, 2008; the fourth meeting, November 25, 2008; and the fifth EDG meeting was held on April 28, 2009.

- C-6 Develop the alley façade*
- D-1 Provide inviting & usable open space*
- D-2 Enhance the Building with Landscaping*
- D-3 Provide Elements that Define the Place*
- E-1 Minimize curb cut impacts*
- E-2 Integrate Parking Facilities*
- E-3 Minimize the Presence of Service Areas*

Public Comments:

During the Early Design Guidance Meetings the public expressed general support of the site's redevelopment but was keenly interested in understanding how the podium level would function with an internal arrival court, and types of proposed uses at street level. During the earlier meetings comments focused on building mass and compatibility to the surrounding area, traffic impacts, zoning height transitions, sustainable design considerations, and pedestrian oriented street presence with shops and landscaping flourishes. By the time of the fifth EDG meeting the public did not have any comments to share with the Board or developer. Throughout the process the Board took into consideration public comments to inform their analysis and design guidance.

Board Guidance:

The Board acknowledged that ensuring a well proportioned and scaled development is a critical factor to successfully integrate the project into the Denny Triangle's neighborhood fabric which is in transition. The design composition should be sensitive to the surrounding zoning height limits, yet find an expression reflecting its unique edge location. The Board wants the design to engage the streetscape wherever possible and scale the design to integrate itself into an area in the Denny Triangle neighborhood with four street frontages; Denny Way, Yale Avenue, Stewart Street, and Minor Avenue. The internal arrival area needed further refinement to visually activate the street level environment; the applicant was encouraged to increase the amount of store presence in and around the internal arrival area at street level. The area should be welcoming to residents, guests, and the public. This area should draw the public in. Additionally, the applicant was directed to provide studies of height, bulk and scale impacts on Capitol Hill and other surrounding areas. The design should create visual interest with lightening in the evening and in internal arrival area. Overall, the Board supported the direction of the design proposal. *Downtown Development Guidelines* should be followed to activate the streetscapes.

The previously stated 18 design guidelines were all chosen by the Board to be high priority. The Board wants the developer to engage the streetscape wherever possible and scale the design to integrate itself into area.

Design Review Board Recommendations

The applicant applied for Master Use Permit on June 2, 2009. The Board reconvened on February 23, 2010, in Room L280, at City Hall in order to review the applicant's response to the previous priority guidelines and guidance and to make recommendations to DPD regarding the design of the project and the requested design departures. Four of the five Board Members were present.

Design Review Response:

Since the Early Design Guidance Meeting held on April 28, 2009, there have been a number of refinements that have affected the size and configuration of the proposed development.

Jack McCullough, of McCullough Hill, P.S., opened the presentation with an administrative update on the project. Since the last EDG public meeting, the owners have hired another architecture firm, Tiscareno Associates, to better address design concerns of the Design Review Board and specific requirements of the property developers. Mr. McCullough next provided updates on significant events since the previous meeting in April 28, 2009. The Design Commission conditionally approved the alley vacation public benefit package as presented, with final approval dependent on completing the Design Review process.

Bob Tiscareno, Architect, opened with an overview of the project's history and then proceeded to address site context analysis and design objectives specific to previously stated design guidance. Where possible, an emphasis would be placed on increasing opportunities to provide an engaging pedestrian experience along each street frontage which would include quality green elements and architectural detailing to provide a sense of place on a block with a significant presence in the neighborhood. The reinvigorated design attempts to build the community through design by creating a sense of place set within an existing neighborhood context that is responsive to the needs of tenants, users of the building, and neighbors. A number of changes have been made in response to comments from the Board and public, including reshaping the pedestrian realm to strengthen the focus on the pedestrian and to connect the parcel to the adjacent properties. In response to Board concerns during EDG, Mr. Tiscareno walked through the building's sustainability program that included pursuing a LEED NC 2.2 Silver rating with a possibility to increase to Gold. A no-hotel option was also presented to inform the Board and public of a future potential based on financing in a declining economic climate. The design team used computer generated presentation materials and 11 x 17 colored packets to describe the design response.

Updated Design Presentation:

Internal Arrival Area: In response to Board guidelines, the applicants deemphasized the vehicle presence in the arrival area by increasing both tactile clues and the area dedicated to pedestrian related activities. As viewed externally, the surface patterns and color of the sidewalk will provide visual clues to separate pedestrians from vehicles. An integrated curb and bollards will provide a safeguard between pedestrians and vehicles within the site. Access through the internal arrival area will be one-way, entering from Minor and exiting onto Stewart Street. Approximately only 12 feet of the 50 foot opening will be devoted to vehicle use. Storefront windows will be placed along one side of the pedestrian walk near both the Minor and Stewart entry and exit to further engage pedestrians, drawing them into the development site. A shimmering mosaic tile wall (the back wall of the retail area at the corner of Minor and Stewart) eliminates a previously-blank wall in the internal arrival area and provides light and color. The entry to the lobby facing Denny Way is proposed to be a glass wall which will also increase the amount of transparency and light in the area. A sculptural ceiling "light cloud" will be employed as a centerpiece within the internal arrival area to make the experience bright and colorful; the lighting of the area is intended to be very bright. The ceiling height is proposed to be approximately 22 feet above the ground surface to allow natural light and air to circulate within.

Pedestrian Experience: Careful attention has been directed to creating a unique and attractive experience for visitors to the development site along each street frontage. The preferred scheme introduced during the final EDG meeting depicted a monolithic mass that felt chunky and unrefined. The revised plan establishes a more sophisticated street level experience with the sculpting of concrete forms and spandrel glazing, placement of operable windows at the podium level, and distribution of street furniture (i.e., bus lean bars, bike racks, decorative metal railings, etc.), landscaping, and large curb bulbs. Each street frontage employs distinctive fenestration patterns upon the building's facade. These nuanced details combine to effectively scale down the building's street level visual impact along each street frontage rendering a desirable pedestrian-level experience. At street level, the building façade is setback at various distances from the right-of-way to increase outdoor space for pedestrian engagement around the site's perimeter. In keeping with the future Denny Way right-of-way improvements, the design scheme decreases the building's mass at street level by putting greater emphasis on the pedestrian experience. Sidewalks have been widened on all sides, but in particular on Denny Way, to enhance the pedestrian experience and to increase the feeling of safety from vehicles. Vehicle loading and parking have all been pushed underground to make the street experience more enjoyable. The loading was previously provided for at the corner of Denny and Minor. The loading area was pushed below grade, and this area is now a pedestrian-friendly retail space. Although the code does not required retail along any of the street frontages, much of the street frontages include retail. The Denny and Stewart facades in particular include a large amount of transparency, provided either through retail or lobby spaces, adding to the pedestrian-friendly experience. Signage and lighting plans were also presented to the Board.

Outdoor Courtyard: In response to Board guidelines, the podium level's roof top was visually enhanced with the added detail that included a green roof, a possible outdoor swimming pool and spa, plaza, and deck with views to the Seattle Center and beyond, and lawn area. The presentation included descriptions of how the outdoor areas would function, using materials, furniture and plants to create usable spaces on the roof level. The outdoor childcare center's play ground was included in this presentation. Landscaping would be prominently featured throughout to help showcase the "outdoor recreation areas" on the building. The amount of trees and shrubbery has been depicted to provide greater coherence to the overall design scheme, establishing a frame to areas of pedestrian activity.

Design Departures:

The applicant is currently requesting five departures from Land Use Code development standards – Overhead Canopies SMC 23.49.018.A, Façade Setback Limits SMC 23.49.056.B.2.d, Façade Modulation (Upper Level Standards) SMC 23.49.058.B.3, Curb Cuts SMC 23.54.030.F.2.a.3, and Loading Berth Requirements and Space Standards SMC 23.54.035.C.2.b (refer to departure matrix on page 9 & 10).⁵

⁵ Although the applicant sought a departure from SMC 23.54.030.F.2.a.3, and the Design Review Board recommended approval of the departure, the Design review process may not grant the departure per SMC 23.41.012.B.18. The Director has granted a modification to the requirements of SMC 23.54.030.F.2.a.3 as a Type I decision below.

Public Comments:

A public member acknowledged appreciation for the design review packet's availability on-line and proceeded to express opinions on the proposal. The gentleman stated that it appeared that no consideration had been directed towards impacts associated of height, bulk and scale on adjacent zones. Furthermore, in his view, the impact of a 400-foot tall structure on adjacent zones with 125-foot limits had not been reconciled as currently designed. It was his opinion that this type of proposal only creates unwanted urban canyons, with no consideration for ground level open space. In addition, the commenter believed the internal arrival area should be conditioned to provide a certain level of lighting to make it a welcoming destination. Lastly, the public member shared a guideline within Belltown that encourages twin towers to be dissimilar which should be applied to this area⁶.

Board Discussion

After considering design plan, project context, hearing public comments, and reconsidering the previously stated priorities, the four Board members began their deliberations by providing a general assessment of the proposal and its impact on the neighborhood. Ensuring an elegantly detailed building at the development site is a critical factor to successfully integrate the project into the existing neighborhood fabric. Board members appreciated the design response to build a well-crafted and well-designed structure incorporating an internal arrival area (one-way vehicle access from Minor exiting onto Stewart). The Board liked the design team's response to the final guideline priorities set on April 28, 2009. Discussion ensued among the Board, including support of requested departures, vehicle access, exterior cladding, landscaping, and resolution of the internal arrival area.

The revised building mass along the street front spatially opened up the sidewalk experience, with glazing and vertical and horizontal modulations to make the street experience for pedestrians more engaging. Street level operable windows in the form of roll-up doors increase opportunities to open up the pedestrian realm to proposed uses is a strong added element the Board enthusiastically supported. Given the juxtaposition of the zoning height relationship with adjacent properties and width of rights-of-way the Board felt the height transition to adjacent properties was well-executed with the massing as presented. The twin tower design will make a strong statement, marking the edge of Downtown and anchoring the end of Denny. The proposed pedestrian entries, near the central portion of the building along Denny and at the internal arrival areas are a marked improvement from the last time the project went before the Board. **Thus, supporting Downtown Design Guidelines** (*Guidelines A-1, A-2, B-1, B-2, B-3, C-1, C-4, D-3, & E-1*)

The Board focused its attention on the internal arrival area, more enriched streetscape activity along the Denny Way frontage, though vastly improved the corners of Minor and Denny and Denny and Yale need additional focused attention, and readability of the podium level along Stewart Street. Two sticking points surrounded the internal arrival area. Execution is everything; potentially this area could become too dark to activate the space.

⁶ No such policy could be found within the Design Guidelines for the Belltown Urban Center Village

Every effort must be exerted to avoid this potential outcome. One way would be to replace the mosaic tile wall and open the commercial space with a glass curtain wall; not only would this increase a sense of openness but is expected to increase pedestrian activity by drawing attention into interior spaces. The illumination of internal arrival area must be set at a level to make this a bright space even during day hours. **Therefore, the Board recommends visually opening up the structure's internal arrival area through illumination, replacing the mosaic tile wall with increased transparency and others methods to enliven this space. The applicant is instructed to work with DPD to find an appropriate design solution for visually open up this area.** (*Guidelines C-1 C-2, C-3, C-4, & D-3*)

The street frontage along Denny appears to lack enough commercial activity to engage pedestrians within the right-of-way. Visual clues between the commercial and residential uses are not well defined. Though the existing pedestrian experience along Denny is underwhelming an effort is underway lead by the City to transform the right-of-way by deemphasizing vehicle activity. This project could be a catalyst for more thoughtful design geared towards pedestrians. The Stewart Street frontage affords opportunities to increase the presence of bicycle racks and resolve the fenestration above the main entry. To encourage alternative modes of travel the number of bicycle racks should be increased not only along Stewart but along street fronts where practical. The fenestration pattern above the main entry along Stewart needs a more graceful design approach to signal its prominence. **The Board recommends the applicant work with the appropriate agency and DPD in acknowledging alternative modes of travel and enhancing the pedestrian experience by increasing the number of bicycle racks (with emphasis along Stewart) and installing design flourishes to enhance the pedestrian realm where practical. The fenestration pattern above the main entry along Stewart needs a more graceful design approach to signal its prominence.** (*Guidelines A-1, B-1, B-3, C-1, C-3, C-4, D-2, & D-3*)

Consideration should be made to the upper level fenestration. **The Board urges the applicant to further study the practicality of installing operable windows in the residential units.** The advantage would be in allowing fresh air to circulate within the units and give the exterior additional character. **Therefore, the applicant is strongly encouraged to provide operable windows on the upper residential floors, if feasible. The planner is instructed to accept further studies to resolve the upper level façade design composition.** (*Guidelines A-1, A-2, B-1, B-2, B-3, B-4 & C-2*)

The applicant has created dynamic and lively edge treatments at the corners of Minor/Denny and Denny/Yale with few lapses in the execution of location of rain gardens. The concern is the street level program for the landscaped groundcover. One concern is the practicality of introducing rain gardens in confined areas where pedestrians congregate. These areas are prone to be trampled upon if it is deemed an easier path for pedestrians. At the Yale and Denny Island, the bus stop suggests a hard edge or frame to the development site across the street. Some type of architectural and landscaping refinement is required to soften this space. The applicant shall contact the appropriate agencies including the community groups responsible for the current design of the bus stop art installation prior to embarking on the redesign. The little path of green at the blub corners should be removed altogether. The introduction of rain gardens should be reconsidered, especially if it will not provide a measure of performance to handle surface run-off.

The architect should work with DPD on the details for improvements to the proposal as identified above.

Therefore, the applicant shall contact the appropriate agencies including community groups responsible for the current architectural design installation prior to embarking on the final redesign of the bus stop island at Yale/Denny. The little path of green proposed at the bulb corners should be removed altogether. The introduction of rain gardens should be reconsidered, especially if it will not provide a measure of performance to handle surface run-off. (Guidelines A-1, B-1, B-3, C-1, C-3, C-4, D-2, & D-3)

In response to the possibility of the hotel use being removed from the development site's program due in part to the financial climate. If the hotel is removed from the project, the Board expects to see substantial revisions to the base to reflect the revised program elements. It was the Board's understanding that the floor plans at the podium level including the internal arrival area were dependent on the hotel use requiring a grand entry and floor areas with high ceilings dedicated to lobbies, ballrooms, sport courts, etc. Overall, the applicant has created a dynamic addition to the neighborhood as proposed; the removal of the hotel use could alter the impact of the project both internally and upon adjacent properties. **Therefore, if the hotel option is removed the proponents are required, subject to the limits of the Land Use Code, to present before the Downtown Design Review Board a packet that illustrates substantial revisions to the base to reflect the revised program elements. (Guidelines A-1, A-2, B-1, B-2, B-3, B-4, C-1, C-4, D-3, & E-1)**

Departure Analysis

The following departures were requested and recommended for approval at the February 23, 2010 Recommendation meeting:

1. *To allow alternatives to Overhead Weather Protection and Lighting Requirement (SMC 23.49.018.A)*

To protect pedestrians against inclement weather continuous overhead weather protection shall be required for new development along the entire street frontage of a lot except along certain portions of the structure. Existing Code allowed interruptions in continuous overhead weather protection. The building's form features articulated exterior walls to reinforce a positive urban form at a location with high visibility. The podium level encompasses an entire block and to scale its mass to reduce the appearance of bulk, exterior walls were modulated vertically. This building form articulation provided practical challenges to install continuous overhead canopy protection. Further, during the EDG meetings the Board requested the design team where feasible to let the tower form come down to street level which further provided aesthetic challenges to allow the full design expression at street level. The applicant has proposed interruptions to lend greater scale and articulation to the street level experience along each street front. The Board was pleased with the design response that sought to maximize overhead protection while allowing the building to find full expression at street level; with architectural detailing and landscaping to enhance the pedestrian experience within the rights-of-way. **Owing in part to the graphic boards presented at the recommendation meeting, maintaining a**

strong building form at street level, and surrounding pedestrian travel patterns, the Board recommended approval of interrupted overhead weather protection along all street fronts. (*Design Guidelines: A-1, B-1, B-4, C-1, C-4, C-5, & D-3*)

2. *To allow alternatives to Façade Setback Limits (SMC 23.49.056.B.2.d)*

The maximum setback of the façade from the street property lines at intersections shall be ten (10) feet. The minimum distance the façade must conform to this limit shall be 20 feet along each street. The applicant proposes to provide a 15 foot setback at the intersection of Yale/Stewart and 12 feet at Yale/Denny. Yale Avenue frontage is approximately 77 feet in length that establishes a prominent eastern edge to the development site. Owing in part to the potential visual impacts from Capitol Hill the design team sculpted the east tower mass to create visual interest and provide a sensitive transition from less-intensive zones. The Board requested the upper level form to be carried down to street level which has resulted in two areas setting back more than ten (10) feet. The applicant has chosen to animate the tower form with materials and modulations. At street level to counterbalance the separation from the exterior wall and property line design elements will be added to make these two areas visually engaging. **The Board agreed that in order to achieve the desired massing relationship to surrounding properties the east tower has been sculpted in such a manner that has resulted in a dynamic composition that is sympathetic to surrounding zones.** (*Design Guidelines: A-1, A-2, B-1, B-2, B-3, & B-4*)

3. *To allow modifications to Façade Modulation (Upper level) Standards (SMC 23.49.058.B.3)*

Any portion of a façade above 85 feet exceeding the maximum length of façade prescribed in Table 23.49.058A shall be set back a minimum of 15 feet from the street property line for a minimum distance of 60 feet before any other portion may be within 15 feet of the street property line. The applicant proposes to provide irregular modulations informed by the building's form. As designed, three (3) areas are out of compliance at the primary entries into the building, mid-block along Denny and the internal arrival entries along Stewart and Minor. Because of the building's scale entries had to be exaggerated to make them readable from a distance. The facades framing the entries are well executed except for a minor lapse along Stewart which will be addressed prior to MUP issuance. (See above Board Discussion section) The site's unique configuration coupled with its location creates design challenges to scale its presence at the northeast edge of Downtown. Fenestration, architectural detailing, street improvements, among other elements will be utilized to deemphasize the reduction in separation at these three (3) areas. **The Board recommended approval of the variation to achieve a better design form and integration, in acknowledging modulation has been governed by relationship of the tower to podium level.** (*Design Guidelines: A-1, A-2, B-1, B-2, B-3, & B-4*)

4. *To allow modifications to Curb Cuts for Nonresidential uses (SMC 23.54.030.F.2.a.3)*

To minimize pedestrian conflicts with vehicles in downtown zones, a maximum of two curb cuts for one-way traffic at least 40 feet apart, or one curb for two-way traffic, shall be permitted on each street front where access is permitted by section 23.49.019.H. The number and width of curb cuts shall satisfy the provisions of SMC Section 23.54.030, parking space standards, except as modified by the section. The applicant proposes to install one two-way curb cut (30 feet in

width) and one one-way curb cut (12 feet in width) on Minor Street to accommodate a more coherent vehicle access design that takes into consideration traffic volumes along Denny Way and Stewart Street. The two-way access will lead to underground parking and service loading, while the one-way curb cut will lead into the internal arrival space.

The site's unique configuration is a result of grid shifts, coupled with traffic volumes surrounding the development site has created design challenges to minimize impacts of vehicles accessing the site. Landscaping, sidewalk patterning, street furniture among other elements will be utilized to deemphasize the variation in curb cuts. **The Board recommended approval to increase curb cut width to accommodate one two-way curb cut and one one-way curb cut along Minor. The architect shall work with DPD to assure the final design detail secure pedestrian safety and is attractive and frames the pedestrian environment.** (*Design Guidelines: B-1, C-1, C-4, E-1, E-2, & E-3*) Subsequent to the Design Review recommendation meeting, it was determined that departures to the standards for access to parking in Downtown zones are not departable through the Design review Process per SMC 23.41.012.B.18

5. *To allow modifications to Loading Berth Requirements and Space Standards SMC 23.54.035.C.2.b*

Each loading berth for low-and medium-demand uses shall be a minimum of thirty-five (35) feet in length. Of the five (5) loading berths proposed only four (4) are required for the proposal. The applicant proposes to provide fifth (5) loading berths at twenty-five (25) feet in length. The loading docks and service areas have been placed underground to open up commercial activity at street level. The irregular shaped lot at the service level affords little opportunity to spatially integrate the loading areas and auto drive lanes. In response, the applicant has designed a floor plan that achieves the desired result which has pinched off ten (10) feet of the loading berth length for one stall. As depicted in the floor plan a portion of the loading dock area will be allow trucks easier access when all berths are occupies. The Board enthusiastically supported a reduction in the loading berth length to 25 feet. **The Board supported a design that effectively opened up the pedestrian experience by removing service areas from street level.** (*Design Guidelines: A-1, B-1, B-3, C-1, C-2, C-3, C-4, D-3, & E-3*)

The Board was comfortable with granting the requested departures for alterations in the identified development standards. As long as the exterior façade remains consistent with what was presented; with materials, color and landscaping, the board fully supported the departure requests with further refinements to be completed and approved by DPD. The applicant has done an admirable job of integrating architectural details to enhance the building and site. **Therefore, the Board recommends approval of requested departures.**

Summary of Departures Requested

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment/Rationale By Architect</i>	<i>Board Recommendation</i>
<i>1. Overhead weather protection and lighting. SMC 23.49.018.A</i>	<i>Continuous overhead weather protection shall be required for new development along the entire street frontage.</i>	<i>Interruptions.</i>	<i>Interruptions to lend greater scale and articulation to street-level experience.</i>	<ul style="list-style-type: none"> ▪ <i>Approved by 4 of 4 members present (Design Guidelines: A-1, B-1, B-4, C-1, C-4, C-5, & D-3)</i>
<i>2. Façade Setback Limits SMC 23.49.056.B.2.d</i>	<i>In downtown zones, a maximum setback of the façade from the street property lines at intersections shall be 10 feet. The minimum distance the façade must conform to this limit shall be twenty feet along each street.</i>	<i>15 feet provided at Yale & Stewart. 12 feet provided at Yale & Denny</i>	<i>In order to achieved the desired massing relationship to surrounding properties the east tower has been sculpted to provide in such a manner that has resulted in increase.</i>	<ul style="list-style-type: none"> ▪ <i>Approved by 4 of 4 members present (Design Guidelines: A-1, A-2, B-1, B-2, B-3, & B-4)</i>
<i>3. Façade Modulation (Upper Level Standards) SMC 23.49.058.B.3</i>	<i>Any portion of a façade exceeding the maximum length of façade prescribed on Table 23.49.058A shall be set back a minimum of 15 feet from the street property line for a minimum distance of 60 feet before any other portion may be within 15 feet of the street property line.</i>	<i>Irregular modulation provided.</i>	<i>To achieve a better design form and integration, modulation has been governed by relationship of the tower to podium level.</i>	<ul style="list-style-type: none"> ▪ <i>Approved by 4 of 4 members present (Design Guidelines: A-1, A-2, B-1, B-2, B-3, & B-4)</i>
<i>4. Curb Cuts for nonresidential uses. 23.54.030.F.2.a.3</i>	<i>In downtown zones, a maximum of two curb cuts for one-way traffic at least 40 feet apart, or one curb cut for two-way traffic is permitted.</i>	<i>One two-way curb cut and one one-way curb cut on Minor Street.</i>	<i>Irregularly-shaped site; Minimizing total number of vehicle access to the entire development site; have already greatly reduced number of curb cuts.</i>	<ul style="list-style-type: none"> ▪ <i>Approved by 4 of 4 members present (Design Guidelines: B-1, C-1, C-4, E-1, E-2, & E-3)</i>
<i>5. Loading berth requirement and space standards. 23.54.035.C.2.b</i>	<i>Loading berths for Low- and Medium-demand Uses shall be a minimum of thirty-five (35) feet in length.</i>	<i>One loading berth set at 25 feet in length. Four additional berths will be set at 35 feet.</i>	<i>Limited maneuvering room due to locating all loading below grade.</i>	<ul style="list-style-type: none"> ▪ <i>Approved by 4 of 4 members present (Design Guidelines: A-1, B-1, B-3, C-1, C-2, C-3, C-4, D-3, & E-3)</i>

Summary of Boards' Recommendations:

The recommendations summarized below were based on the plans submitted at the February 23, 2010 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings submitted for review (last revised on March 25, 2010). After considering the site and context, hearing

public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, four (4) Design Review Board members present recommended that the design should be approved with the refinements noted to be worked out with DPD. In particular; the internal arrival area solid walls should be made transparent to visually open up the space and create greater visual interests. If the hotel option is removed the Board will want to reevaluate the podium level. The applicant shall work with DPD, SDOT and other groups responsible for the bus shelter across Yale along Denny to incorporate street furniture, art work, and surface materials to strengthen its presence in unique ways to a neighborhood in transition. The Board instructed the planner to resolve any inconsistency that may arise in the Seattle Design Commission approval process for Public Benefit Features. The Board also recommends approval of the requested departures as stated in the departure matrix. Thus, the project should

move forward as designed. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. Applicant shall work with DPD to find an appropriate design solution to find a more rigorous design solution to visually open up and make the internal arrival area attractive to pedestrian related activity. The mosaic tile walls adjacent to the vehicle lane should be replaced with a transparent curtain wall to allow commercial activity behind the glass wall to spill out into the space. Additionally, the lighting illumination must be set at a level to make this a bright space even during day time hours. (*Guidelines C-1 C-2, C-3, C-4, & D-3*)
2. The applicant shall work with the appropriate agency and DPD in acknowledging alternative modes of travel and enhancing the pedestrian experience by increasing the number of bicycle racks (with emphasis along Stewart) and installing design flourishes to enhance the pedestrian realm where practical. The fenestration pattern above the main entry along Stewart needs a more graceful design approach to signal its prominence. (*Guidelines A-1, B-1, B-3, C-1, C-3, C-4, D-2, & D-3*)
3. The applicant is strongly encouraged to provide operable windows on the upper residential floors, if feasible. The planner will accept further studies to resolve the upper level façade design composition. (*Guidelines A-1, A-2, B-1, B-2, B-3, B-4 & C-2*)
4. The applicant shall contact the appropriate agencies including community groups responsible for the current architectural design installation prior to embarking on the final redesign of the bus stop island at Yale and Denny. The little path of green proposed at the bulb corners should be removed altogether. The introduction of rain gardens should be reconsidered, especially if it will not provide a measure of performance to handle surface run-off. (*Guidelines A-1, B-1, B-3, C-1, C-3, C-4, D-2, & D-3*)
5. If the hotel option is removed the applicants are required, subject to the limits of the Land Use Code, to present before the Downtown Design Review Board a packet that illustrates substantial revisions to the base to reflect the revised program elements. (*Guidelines A-1, A-2, B-1, B-2, B-3, B-4, C-1, C-4, D-3, & E-1*)

Director's Analysis and Decision: Design Review

The Design Review Board requested that the assigned planner should work with the applicant and Seattle Design Commission (if necessary) to resolve several Board recommendations prior to final DPD approval. The Director is equally pleased with the overall building design but as noted in the recommendation meeting by the Board, the street level pedestrian experience needs additional design refinement as well as strengthening design continuity to the public rights-of-way. Further, the Director is authorized to provide additional analysis and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F) to advance the proposal forward. The Design Review Board identified elements of the Design Guidelines (above) which are critical to the project's overall success with concurrence of the Director.

The location of the development site presents unique design opportunities given its proximity to Capitol Hill, I-5 on and off-ramps and area topography. It's anticipated that pedestrian activity

will increase around the site's perimeter that requires individual attention to architectural design detailing and amenities. The architect has responded to the comments and concerns from both the public and the Design Review Board and has strived to establish a distinctively designed building from vantage points immediately surrounding the development site and from greater distances. With minor lapses, the siting of the proposed structure set within a robust landscaped frame is well thought out and executed. The Director agrees, the design and program execution of the internal arrival area is crucial to enliven this enclosed space by placing the needs of pedestrians above vehicles. In particular, design and installation of lighting, increased transparency, and readable surfaces will need further refinement. Subsequent conversations with the applicant after the recommendation meeting to resolve other design details have been successful in moving this project forward. The Director will work with the applicant to resolve the final design details.

The two towers will reach a height in excess of 400 feet and will change Seattle's Downtown skyline. The design of the new 40-story building, as viewed from its surroundings, is properly scaled to reduce the appearance of bulk through use of tower alignment, modulation, materials, color, and fenestration schemes. The design of the proposed structure picks up on architectural elements found in the area with bold and subtle touches to provide visual interest that seeks a sense of individuality. Further exploration of practicality of operable windows on the upper levels is needed. The Director will work with the applicant to resolve the final design details.

An agreement in principal has been reached between the applicant and DPD to provide more visually engaging exterior walls and landscaping to soften the building's perimeter. Final design detail will be secured prior to MUP issuance, with final approval secured prior to receiving certificate of occupancy with the associated building permit. In all cases the Director of DPD affirms the Board conclusions and will support the proposal with recommendations.

On April 1, 2010, the Seattle Design Commission (SDC) met for the final time to unanimously approve the design development for Public Benefits for a request to vacate an Alley. The DPD staff was in attendance during all meetings and provided updates related to Design Review.

The SDC supported the Board's recommendation but wanted the applicant to pay attention to the following:

- Think carefully about the intersection of Yale, Stewart and Denny corner and further refine the design for the public realm of this area. Consider the integration of the pedestrian island through the use of same pavement material as to expand the plaza concept and slow traffic speed.
- Give special attention to the retail spaces. Commissioners understand the challenges of the current economic situation and ask the developer to consider interim uses and other creation ways of activating the space.
- Strongly consider a tabletop for the Yale intersection so it portrays a pedestrian focus and inhibits fast driving
- The Commission encourages a more exceptional and unique plant palette, but also work with the consistency of the street trees along Denny and in the rain garden.
- Consider a more readable pedestrian access at Minor prioritizing pedestrian safety.
- Consider in the triangular areas adjacent to the street focusing priority to the pedestrians in these spaces

The Director will integrate these recommendations into the resolution of final design details with the applicant to optimize a more cohesive design response.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Downtown Development*. The Director **APPROVES** the subject design consistent with the Board's recommendations above with recommendations from SDC and conditions at the end of this decision. The Director also **APPROVES** the design departures requested with the exception of location to access to parking (*SMC 23.54.030.F.2.a.3*) which is not eligible to receive a design review departure despite the positive recommendation of the Design Review Board (*SMC 23.41.012.B.18*).

This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on February 23, 2010 and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented at the recommendation meeting and subsequent plans submitted to DPD (last revised on March 25, 2010).

Director's Analysis and Decision: Type I decision granting additional curb cut on Minor Avenue; SMC 23.54.030.F.2.a.3.

Type I and Type II Master Use Permit decisions may be consolidated into one Master Use Permit decision per *SMC 23.76.004.G.1*.

The Project has proposed one one-way curb cut on Minor Avenue (12 feet wide) for vehicles to access the Project's internal arrival area. Cars will exit the internal arrival area from a one-way curb cut on Stewart Street. The Project has proposed an additional curb cut on Minor Avenue (30 feet wide), which will be a two-way curb cut allowing access to the below-grade loading and parking area. The below-grade loading and parking area contains the parking and loading areas required and necessary for the Project.

SMC 23.54.030.F.2.a.3 limits the number of curb cuts on a street in downtown zones to a maximum of two one-way curb cuts, or one two-way curb cut. However, the Director may modify this standard as a Type I decision on lots with special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

The Director grants the requested modification to SMC 23.54.030.F.2.a.3, and finds that the proposed curb cut configuration is necessary on this particular site to facilitate a smooth flow of vehicular traffic and to provide pedestrian safety. As stated, the Project site is an irregularly-shaped, fairly small triangular lot. An existing alley, proposed to be vacated in conjunction with this project, has existing curb cuts on Denny Way and Stewart St. The volume of vehicle trips proposed by the project would likely have an adverse impact to the level of service along Denny Way due to existing high traffic volumes. Once vacated, no curb cuts should be located on either Denny Way or Yale Avenue due to the high traffic volumes on these streets. Stewart Street is a one-way street heading west.

The Project site therefore created a design challenge to ensure that the accesses both minimized the impacts of vehicles entering the roadway, and minimized impacts of vehicles on pedestrians. Minor Avenue is the only two-way street feasible for access to and from the Project. The applicant explored combining the two curb cuts, but combination created a very wide drive aisle, interrupting pedestrian flow and decreasing both vehicular and pedestrian safety. The proposed curb cut configuration design (which includes landscaping and sidewalk patterning) both facilitates pedestrian safety along Minor Avenue and allows a smooth flow of traffic given the site's unique configuration. The Director approves the proposed modification. The final landscaping and pavement design details surrounding the curb cuts will secure pedestrian safety, be attractive, and will properly frame the pedestrian environment.

ANALYSIS - SEPA

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the Downtown Height and Density Changes proposal in January 2005. The FEIS identified and evaluated the probable significant environmental impacts that could result from changing the height and density requirements in several downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the DMC 240'/290'-400' zoning district and the environmental impacts

of a height increase to 400 feet at the project site were adequately evaluated as part of the non-project FEIS. DPD determined that it is appropriate to adopt the FEIS and prepare an EIS Addendum to add more detailed, project-specific information related to the proposed development.

DPD has identified and adopts the FEIS prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning Downtown Seattle. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposed impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the FEIS.

DPD determined that the EIS Addendum and related documents should address the following areas of environmental impact:

- Land Use
- Height Bulk and Scale
- Aesthetics (shadows, views, and glare)
- Wind
- Transportation and Parking
- Construction

An Addendum analyzing these areas of environmental impact, along with greenhouse gas and environmental site assessments, was prepared and the Notice of Adoption and Availability of Addendum (“Addendum to the Final EIS for the Downtown Height and Density Changes, Prepared for 1200 Stewart Development MUP Project # 3007548, City of Seattle, Department of Planning and Development”) was published in the City’s Land Use Information Bulletin on June 28, 2010. Due in part to the current economic climate the Addendum analyzed two proposals, one with and without a hotel use⁷. A copy of the Addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project.

ENVIRONMENTAL IMPACTS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the 2010 Addendum and related documents.

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. An additional area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum and related

⁷ DPD evaluated the impacts of both options in the addendum, but the Master Use Permit establishing the use for the building establishes the hotel use.

documents for this project. The authority to allow for additional analysis is in SMC 25.05.600.D.3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

A. Long Term Impacts Identified in the FEIS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS.

Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the land use element of the Seattle Comprehensive Plan. Subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

The FEIS included an analysis of how the code changes were consistent with land use policies based on impacts disclosed in the FEIS. Informed by the adopted plans, policies and regulations of the FEIS, the Addendum analyzed applicable (Comprehensive and Neighborhood) Plans and development standards in the land use code and the zoning for the site and the surrounding area, and how the proposed project complies with the land use code and applicable plans. Therefore, the department concludes that no unavoidable adverse impacts related to land use are anticipated and the proposed development does not contribute significant adverse impacts requiring mitigation. Thus, no mitigation of impacts disclosed in this section is required.

Height Bulk and Scale

The design review process conducted in conjunction with the proposed development is intended to mitigate the land use impacts for height, bulk and scale. The architecture and urban design features of the proposed structure are described in the aforementioned Design Review portion of this report and are summarized in the Addendum, and the project was recommended for approval by the Design Review Board. Therefore, the department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Thus, no mitigation of impacts disclosed in this section is required.

Historic and Cultural Preservation

SMC 25.05.675H requires that the Director to preserve historic buildings, special historic districts and sites deemed important to the retention of a living sense and appreciation of the past and the need for mitigation. The FEIS analysis considered providing greater incentives for landmark preservation, including the amended Planned Community Development process (or Modified combined lot provisions) which identify landmark preservation as a public benefit

enabling a project to seek added development flexibility through these mechanisms. The subject site was not identified to contain landmark buildings in the FEIS.

Construction of the proposed 40-story building will necessitate the demolition of the three existing structures (common known addresses: 1200 Stewart, 1912 & 1914 Minor Avenue, and 1918 Minor Avenue) all of which are subject to determination of their historic status due to their age. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*; the planner referred approval to the Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for potential landmark eligibility approval in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H.2.c). The review of the impacts associated with the proposed project does not require further design mitigation, as determined by the Landmarks Preservation Board, (LPB 228/10) in a letter dated June 18, 2010.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Public View Protection

SMC 25.05.675.P requires that the Director assess the extent of adverse impacts on public views of significant natural or human-made features from designated public places and the need for mitigation. Private views are not protected. The Addendum provides an analysis of view impacts to designated parks, landmarks, public places, skyline views and scenic routes as a result of the proposed development. The proposed structure is not anticipated to affect views of the mountains, downtown skyline or major bodies of water from designated public places, including Four Columns Park, the closest viewpoint that could potentially be affected. The proposed building is also not anticipated to block public views of identified historic landmarks from designated locations. Finally, the proposed structure is not anticipated to significantly impact views of the Space Needle or South Lake Union from Four Columns Park, Interstate 5, the downtown skyline or other designated viewpoint locations. The proposed action would affect cross-site views from residential dwellings and office buildings located within proximity to the subject site. However, private views are not protected by City regulations, and no mitigation will be imposed.

Transportation

SMC 25.05.675R requires that the Director assess the extent of adverse impacts of traffic and transportation and the need for mitigation. The FEIS analysis considered the direct, indirect and cumulative impacts of that proposal and alternatives as they relate to the overall transportation system. Traffic volumes in 2020 are expected to increase by about ten (10) percent in the AM peak hour and 20 percent in the PM peak hour compared to existing conditions⁸. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

⁸ Projections of future traffic growth were made prior to the economic downturn which is expected to result in lower traffic growth than was originally forecast.

The Traffic Impact Study associated with the proposed development (“1200 Stewart Mixed-Use Development, Revised, MUP #3007548, Prepared for the Lexus Companies, Prepared by Transportation Engineering NorthWest, LLC, February, 2010”) referenced in the Addendum found that the proposed project with-hotel alternative is estimated to generate approximately 289 net new trips during the AM peak hour and 417 net new trips during the weekday PM peak hour. Without-hotel alternative is estimated to generate approximately 190 net new trips during the weekday AM peak hour and 303 net new trips during the weekday PM peak hour. The study examined eight intersections in the project vicinity and found that for both alternatives, five of the eight study intersections are anticipated to operate at LOS D or better by 2013, with the project during the weekday AM and PM peak hours. Two study intersections (Denny/Stewart in the AM peak hour and Howell/Yale (I-5 southbound on-ramp) in the PM peak hour) are expected to operate at LOS F with or without the project in 2013 and under either project scenario. The Howell/Yale (I-5) southbound on-ramp in the AM peak hour and Yale/Stewart peak hour intersections are both forecast to operate at LOS E with or without the project and under either project scenario. During the peak hour, the Denny/Stewart intersection is forecast to operate at LOS D without the project and under the “No-Hotel” project scenario, but to degrade to LOS E under the “With Hotel” project scenario. Transportation concurrency was evaluated for both alternatives and found to fall within the adopted LOS standards.

One way to mitigate adverse impacts is to pay into a fund that takes a comprehensive approach to improving the flow of traffic in the neighborhood. The City of Seattle has implemented a program by which development occurring in and around the South Lake Union neighborhood would contribute a mitigation payment towards the planned improvements identified in the South Lake Union Transportation Plan. The Plan identifies improvements with the goal of improving Seattle's transportation problems, through a combination of auto traffic projects, bicycle projects, pedestrian projects, and transit projects. The pro-rata mitigation for the 1200 Stewart commercial and residential project was estimated using the South Lake Union Pro-Rata mitigation spreadsheet developed by the City, a required payment of \$45,363.00 will be required to mitigate transportation impacts. The applicant has agreed to pay \$45,363.00 to mitigate adverse impacts associated with this proposal. Under the no-hotel option the payment to the South Lake Union Pro-rata mitigation would be \$51,956.00.

Additionally, a number of mitigation measures are proposed by the developer for both land use alternatives (with or without hotel). The Public Benefits associated with the alley vacation process is expected to improve the operation of adjacent intersections and will improve pedestrian safety. The mitigation measures (Public Benefit) include the following:

Pedestrian Safety Improvements:

- Wider sidewalks on Denny Way, Stewart Street, and Minor Avenue.
- Landscaping improvements on Denny Way and Minor Avenue, and at each of the 3 corners of the site at these intersections.
- Installation of new curb bulbs at the northwest and south corners of the site and expansion of the Yale triangle at the northeast corner to improve pedestrian safety and traffic maneuvers.

- Re-aligning of lanes and improved pedestrian crossing at the Denny Way/Minor Avenue/Virginia Street intersection.
- Channelization and streetscape improvements at the Yale Avenue/Denny Way/Stewart Street intersection.

Intersection Improvements:

- Yale Avenue/Denny Way/Stewart Street intersections: Converting Yale Avenue to a one-way street in the southeast direction will reduce the pedestrian crossings at the intersection and improve traffic flow.
- Denny Way/Minor Avenue/Virginia Street intersection: Re-aligning Minor Avenue to intersect with Denny Way at a perpendicular angle. In addition, Virginia Street would be re-aligned to intersect with Minor Avenue just south of Denny Way. This would also decrease the pedestrian crossings at the intersection, improve traffic flow, and provide better delineation of traffic movements.

DPD's Transportation Planner has reviewed the Traffic Impact Study and determined that the additional peak hour trips would contribute significant unavoidable adverse impacts requiring mitigation. Accordingly, with a Transportation Management Plan and proposed mitigation measures, no significant unavoidable adverse impacts are anticipated relative to transportation.

Parking

The proposed development will provide below grade parking for a total of 940⁹ vehicles, all of which are accessed from Minor Avenue. An additional 130 bicycle parking spaces would be accessed through the driveway serving the parking area. 115 existing surface parking spaces will be eliminated from the site.

No parking for residential uses is required downtown per the Land Use Code, and there is no authority to mitigate the impact of development on parking availability in the downtown area under SEPA (SMC 25.05.675.M.2).

The applicant has provided parking information in a traffic study ("1200 Stewart Mixed-Use Development, Revised Traffic Impact Study, MUP #3007548, Prepared for The Lexas Companies, Prepared by Transportation Engineering NorthWest, LLC, February 2, 2010"). Based on parking studies in downtown Seattle (Census 2000 Journey-to-Work Characteristics, provided by the Puget Sound Regional Council), vehicle ownership of downtown Seattle residents range for 0.4 to 0.6 vehicles per residential unit. The parking ratio for the proposed development is 1 vehicle parking spaces per residential unit.

The parking demand analysis assumed that the proposed parking garage stalls would be shared, with the exception residential stalls dedicated for each residential unit. The Revised Traffic Impact Study indicated that typical weekday estimated peak parking demand would reach 927 occupied stalls at 6:00 PM, which leaves a shortfall of thirteen (13) stalls for on-site demand. This shortfall results in a reduced demand for spill-over impacts for on-street parking and private

⁹ Under the no hotel option the total would remain the same, with 664 provided for residential and 276 for non-residential use.

parking lots within the area. Therefore, although SEPA does not require that downtown projects mitigate parking impacts, it is anticipated that the proposed parking demand will not adversely impact parking within the site vicinity.

B. Additional Impacts Not Identified in the FEIS, but addressed in the Addendum

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. The area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600.D3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

Urban Climate - Shadows

SMC 25.05.675.Q requires that the Director assess the extent of adverse impacts of shadows on designated downtown open spaces and the need for mitigation. The analysis of sunlight blockage and shadow impacts is limited in Downtown zones and for this project none of the listed parks will be affected by this proposal. However, four (4) parks (Denny Park, Cascade Playground, Thomas Street Mini Park, and John & Summit Park) were identified that may be affected by shadows from the proposal and needed additional study. A shadow analysis was prepared for the Design Review Board meetings that considered shadow impacts from weather, building height, width and façade orientation; and the proximity of other intervening structures, topographic variations and significant landscaping. The Addendum augmented the original shadow analysis with additional studies. The shadow impacts were assessed at 9 AM, 12 PM, and 3 PM in all four seasons during the solstice and equinox. None of the surrounding identified parks would be shaded by the proposed development, with the exception of the Cascade Playground, which will be partially shaded on December 21 at noon. Due to the increased building heights contemplated in the FEIS, shadows have already been expected to increase. In addition, shadows will occur at Cascade Playground during a time of day and time of year when park usage is relatively low; the shadowing is therefore not considered to be significant. Accordingly, no mitigation is necessary.

Urban Climate - Wind

The FEIS analysis considered future development of new taller buildings in Downtown would create the potential for additional wind “downwash” and other negative wind impacts at street level. The prevailing winds for Downtown Seattle are from the south and south-southwest in the winter and from the north in the summer. New buildings within Downtown could reduce the potential for wind effects on pedestrians if façades are design with varied massing schemes. The Addendum provides an analysis of wind-related impacts of the proposed project relative to the comfort and safety of pedestrians using open spaces on the podium roof deck and at street level. In order to determine severity of wind impact, CPP Wind Engineering and Air Quality Consultants were hired to produce an expert opinion as to the effect wind would have on pedestrians in the aforementioned areas. Their conclusions were drawn from wind data from the area and studies they have done on similar buildings in the vicinity. The wind study concluded

that pedestrian comfort at street level will be generally obtained year round with the current design with few exceptions. The podium level will experience greater downwash and accelerated air flow between the towers caused by prevailing south to southwest winds. The one area of greatest concern is at the podium level, between the towers above the hotel lobby, which is not intended for pedestrian use. Other areas on the podium level can be mitigated with landscaping and trellises. The mitigation measures include the following:

Mitigation proposed by the developer would improve pedestrian safety around the building perimeter and improve the roof areas of the building/podium. The followed measures are proposed for both land use alternatives:

Perimeter Safety Improvements:

- Two tower design with podium base to absorb wind impacts on Minor Avenue and Stewart Street.
- Canopies surrounding the exterior of the building will ameliorate downwash effects on Denny Avenue, Minor Avenue, and Stewart Street.
- Foliage surrounding the building will lessen wind impacts.
- Major entries, car park, and pedestrian entries are located separate from towers and sheltered by canopy.

Building/Podium Safety Improvements:

- Podium roof, especially at the swimming pool, will contain objects to block downwash effects such as a trellis, foliage, and porous screens.
- The middle section of the podium roof will not allow pedestrian access.
- Sunken portions of the podium roof, including the daycare, is distanced from the towers and placed below the middle section to avoid wind impact.

With the proposed mitigation measures, no significant unavoidable adverse impacts are anticipated relative to wind.

Short Term Impacts Not Identified in the FEIS, but addressed in the Addendum

Construction

SMC 25.05.675.C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site

washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. The Building Code provides for construction measures in general. Potential construction-related noise impacts can be found in the “Noise” policy discussion below.

Noise Vibration

Demolition of existing buildings and excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses.

The Addendum includes a series of general and specific measures to mitigate construction noise, vibration air quality and traffic impacts associated with work in the downtown area. These include limiting the time and type of activity based on noise generation. The mitigation measures include the following:

General Noise Mitigation Measures:

Because of the residential dwelling units located in the vicinity of the project site, the applicant agrees that mitigation of noise and vibration-related impacts, although not significant, is important and proposes the measures noted on the next page which are in compliance with the Seattle noise ordinance (SMC 25.08) which would be required at all times.

- Compliance with the Seattle Noise Ordinances regarding construction is required per SMC 25.08.425 which limits most activities to standard construction hours between 7 AM and 6 PM on weekdays and 9 AM - 6 PM on Saturdays. During some stages of the project, it is expected that a smaller second shift would work until 11 PM on weekdays, although work would be limited to activities that generate little noise (such as daily cleanup) and are within the 60 dba limits of the Noise Ordinance.
- Ensure that nighttime activities do not exceed allowable noise levels.
- Limit the use of noise impact-type equipment, for example pavement breakers, pile drivers, jackhammers, sand blasting tools, to typical work hours between 8 AM and 5 PM on weekdays.
- Whenever appropriate, for impact tools substitute hydraulic with electric models to further reduce demolition and construction-related noise and vibration.
- Limit loud talking, music, or other miscellaneous noise-related activities.
- Utilize modified back up notifications on all trucks and equipment. Proponent will coordinate with the DPD for approval of the best notification technology available during construction to modify noise.
- Construction noise would be reduced with properly sized and maintained mufflers, engine intake silencers, engine enclosures and turning-off idling equipment.
- Truck haul routes would be jointly developed by the proponent, SDOT and DPD and approved by SDOT.

Specific Noise Mitigation Measures

Demolition, Earthwork and Shoring

- Process building debris off-site during the demolition process. Salvage and segregate material for recycling as much as possible.

- As necessary, deploy portable sound barriers around generators, compressors, tieback drill rigs, etc.
- As needed, construct temporary barriers of materials at least as dense as one half-inch thick plywood for sound-dampening or deflection.

Concrete Construction

- Stage concrete trucks at a location outside the Downtown area and away from residential uses, to limit the number of concrete trucks on-site at any one time.
- Pre-fabricate core-wall form work at the contractor's off-site facility to minimize the use of electric saws and hammers on-site.
- Pre-fabricate reinforcing steel for the concrete core-wall curtains off-site to reduce the amount of noise associated with this work on-site.
- There is both structured parking and surface parking located within several blocks of the project site. It is anticipated that these facilities would serve as construction-worker parking. Conceivably, other construction workers may park at greater distances from the project site and commute to the site via transit. Car pooling and mass transit programs will be encouraged by the general contractor.
- The proponent would coordinate with Metro transit relative to construction activity that could affect transit service proximate to the project site.
- Where existing sidewalks or walkways are temporarily closed during construction alternative routes would be provided to maintain circulation patterns.
- Where possible, locate the concrete pumping station and associated trucks to minimize impacts to the nearby residences.
- Use hydraulic jacks to lift the core-wall form work rather than disengaging, hoisting with crane, and re-attachment.

Interior Construction

- Pre-fabricate large duct risers and long interior runs and hoist them into place.
- Screen the building perimeter during steel fireproofing activities.

The applicant will be required to submit a Construction Noise Management Plan that includes the above proposed mitigation measures, as conditioned below.

Environmental Health

An environmental analysis of the site indicates that the potential migration of hazardous materials and/or petroleum products released at properties located in the vicinity of the site that were historically developed with retail gasoline stations, automotive repair facilities, and/or dry cleaning facilities warrants concern. This initial Phase I Environmental Site Assessment was conducted by Farallon in conformance with the scope and limitations of ASTM E1527-05. DPD will review required grading permits associated with this work and provide any necessary conditions prior to permit issuance. Cleanup of the contaminated soils may also require review by the Washington State Department of Ecology.

The construction plans, including shoring of excavations as needed and erosion control techniques, will also receive separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized. Given the existing codes and ordinances, no additional conditioning for geotechnical review is warranted pursuant to SEPA policies.

Air Quality

Demolition of structures and surface paving and transport of debris will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Decreased air quality is anticipated due to the following: suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources; construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves which result in increases in carbon dioxide and other greenhouse gas emissions and adversely impact air quality and contribute to climate change and global warming. Site development would adhere to PSCAA's regulations regarding demolition related activity and fugitive dust emissions. While construction-related air quality impacts would be unavoidable, with the mitigation proposed and given the anticipated duration, none are considered significant.

Transportation

Traffic management measures to mitigate impacts on the vehicular and pedestrian networks during construction are included in the Addendum and related documents. Mitigation measures will be added as conditions below and include:

- The proponent would coordinate with SDOT to minimize impacts caused by construction vehicle traffic and other R.O.W. users. A construction traffic plan for workers and truck deliveries/routes would be prepared to minimize disruption to traffic flow on adjacent streets and roadways. This plan would consider the need for special signage, flaggers, route definitions, flow of vehicles and pedestrians during construction and street cleaning.

- In addition to any traffic enforcement personnel required by other City Departments, a separate full-time traffic control person shall be employed by the project developer to ensure minimal disruption to traffic movements along Stewart Street and Denny Way. Duties shall include, but not limited to, flagging and/or directing trucks removing excavated materials from the site or bringing construction materials to the site so as not to disrupt traffic flows for long periods of time. A traffic control person shall be available to direct traffic to and from the site during all hours that construction occurs for the duration of the project.
- There is both structured parking and surface parking surrounding the project site. It is anticipated that these facilities would serve as construction-worker parking until the parking garage associated with the *1200 Stewart Street Development* is usable. Conceivably, other construction workers may park at greater distances from the project site and commute to the site via transit given its proximity to various public transportation routes.
- The proponent would coordinate with Metro, Sound and Community Transit, and other transit agencies relative to construction activity that could affect transit service proximate to the project site.
- Where existing sidewalks or walkways are temporarily closed during construction, alternative routes would be provided to maintain circulation patterns.
- For pedestrian safety, a covered walkway with staging may be provided along portions of Denny Way, Stewart St., and Minor Avenue adjacent to the project site.
- Loaded and uncovered trucks will have at least one foot of “freeboard” to minimize the amount of spilled material and dust from the truck bed en route to or from the site. For the duration of grading and construction activity cease loaded truck trips from the peak hours of 7 AM to 9 AM and 4 PM to 6 PM on weekdays.

Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impact Policy (SMC 25.05.675B), mitigation is warranted. The applicant will be required to submit a Construction Management Plan to include the aforementioned elements and conditions identified above: noise, drainage, pedestrian circulation, transportation. While construction-related transportation and parking impacts would be unavoidable, with the mitigation proposed and given the anticipated duration, none would be considered to be significant.

Long Term Impacts Not Identified in the FEIS, but addressed in the Addendum

Air Quality

Decreased air quality is anticipated due to the following: operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The anticipated emissions from the completed project have been disclosed in a greenhouse gas worksheet (1200 Stewart Street – DPD project #3007548, June, 2010). While these impacts are adverse, they are not expected to be significant.

Light and Glare

SMC 25.05.675K requires that the Director assess the extent of adverse impacts of lighting and/or reflective surface materials which can adversely affect motorists, pedestrians and the surrounding area and the need for mitigation. The Addendum provides an analysis of light and glare impacts upon adjacent uses and along the I-5 corridor. A total of 940 parking spaces will be provided at the subject site which is expected to increase light and glare related impacts associated with vehicles exiting the site. Vehicles will exit onto Stewart Street and Minor Avenue, with Minor Avenue receiving the higher volumes. Vehicle headlights will be localized but it is not expected to adversely affect street level uses.

The proposed structure's stationary lighting (e.g., interior lighting, pedestrian level lighting, and illuminated signage) would be visible from locations in proximity to the subject site. A condition of Design Review specifically required the developer to work with DPD prior to MUP issuance to increase illumination levels within the internal arrival area. This area and street level external lighting and signage will be designed to reduce spill lighting. The final detail lighting schedule will be evaluated during the construction permit phase.

The proposed structure has been designed with reflective materials (glass and metal) that would otherwise cause concern for adjacent buildings and vehicles traveling within the I-5 corridor. A solar glare analysis was performed to measure associative impacts owing in part to its proximity to I-5. The analysis focused on I-5 from the south and east during the morning (8:00 AM) and afternoon (5 PM) peak hours. Four (4) days out of the year were chosen two on the equinox (March 21 & September 21) and two on the solstice (June 21 & December 21) to assess impacts on commuters. The analysis took into consideration a building design that includes the height and width of two towers; facade orientation, horizontal and vertical modulation, balconies, percentage of glazed and non-reflective facade surfaces, design relationship between glazed and non-glazed portions of the facade, the color and texture of building materials that comprise the facade, and the proximity of other intervening structures in the report and concluded that glare impacts would occur in a limited manner that would not be consider significant. Of the days measured in the study the most extreme glare impact will occur for .5 seconds outside the driver's cone of influence at approximately 8:00 AM on December 21.

Therefore, no significant unavoidable adverse light or glare impacts are anticipated.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement, Addendum, and Environmental Assessment prepared for 1200 Stewart Street Development. DPD has the authority to mitigate impact pursuant to the city's SEPA practices.

Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

- [] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [X] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

PREPARATION OF FINAL PLAN AND FUTURE CHANGES

The owner/applicant shall update plans to show:

- Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
- Embed colored elevation and landscape drawings into the MUP and building permit drawings.
- Update plans and supporting documents to provide consistent and current project information, i.e., parking calculations, residential unit count, etc.
- Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of MUP Permit

1. Applicant shall work with DPD to find an appropriate design solution to find a more rigorous design solution to visually open up and make the internal arrival area attractive to pedestrian related activity. The mosaic tile walls adjacent to the vehicle lane should be replaced with a transparent curtain wall to allow commercial activity behind the glass wall to spill out into the space. Additionally, the lighting illumination must be set at a level to make this a bright space even during day time hours, subject to DPD approval.
2. The Board recommends the applicant work with the appropriate agency and DPD in acknowledging alternative modes of travel and enhancing the pedestrian experience by increasing the number of bicycle racks (with emphasis along Stewart) and installing design flourishes to enhance the pedestrian realm where practical. The fenestration pattern above the main entry along Stewart needs a more graceful design approach to signal its prominence, subject to DPD approval.
3. Applicant is strongly encouraged to provide operable windows on the upper residential floors, if feasible. The planner will accept further studies to resolve upper level façade

design composition which would include operable windows. Applicant shall explore options to find an appropriate design solution to provide operable windows on the upper level, subject to DPD approval.

4. The applicant shall contact the appropriate agencies including community groups responsible for the current architectural design installation prior to embarking on the final redesign of the bus stop island at Yale and Denny. The little path of green proposed at the bulb corners should be removed altogether. The introduction of rain gardens should be reconsidered, especially if it will not provide a measure of performance to handle surface run-off, subject to DPD approval.
5. If the hotel option is removed the applicants are required, subject to the limits of the Land Use Code, to present before the Downtown Design Review Board a packet that illustrates substantial revisions to the base to reflect the revised program elements.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

6. All proposed changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of a Certificate of Occupancy

7. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project or by the Manager of the Urban Design Program. Inspection appointments with the Planner must be made at least three (3) working days in advance of the inspection.
8. Submit a written authorization from SDOT that all conditions imposed as part of the approval of the vacation petition have been met satisfactorily.

SEPA CONDITIONS

The owner(s) and/or responsible party (ies) shall:

Prior to Issuance of Shoring & Excavation Permit

9. Submit to the City of Seattle the pro rata share of transportation improvement costs in the amount of \$45,363.00 to mitigate adverse impacts associated with this proposal. Under the no-hotel option the payment to the South Lake Union pro-rata mitigation would be \$51,956.00.

Prior to Issuance of Demolition or Construction Permits

10. Prepare a Construction Management Plan to address the elements and conditions identified in the construction section above: noise, drainage, pedestrian circulation, transportation required to mitigate any short term impacts that result from the project. The Plan shall include a discussion on management of construction related activities, efforts to mitigate impacts and community outreach efforts concerning likely impacts and mitigation efforts.
11. Submit a Truck Trip Plan to be approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.
12. Submit a copy of the PSCAA permit prior to issuance of a demolition permit, if a PSCAA permit is required.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

13. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 A.M. and 6:00 P.M. and Saturdays between 9:00 A.M. and 6:00 P.M. This condition may be modified by the Department to permit work of an emergency nature to allow low noise exterior work (e.g., installation of landscaping) or to allow work which cannot otherwise be accomplished during the above hours upon submittal of a noise mitigation plan and after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

For the Life of the Project

14. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DPD shall determine the issue of satisfactory compliance with conditions imposed under City authority.

Signature: _____ (Signature on file)-----
Bradley Wilburn, Land Use Planner
Land Use Services
Department of Planning and Development

Date: July 22, 2010